

Data Sharing Review

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Consultation paper on the use and sharing of personal information in the public and private sector

List of questions for response

We would welcome responses to the following questions set out in this consultation paper. Please follow the question order as set out in the consultation paper, leaving a blank response box for any questions not answered.

Please email your completed form to contact@datasharingreview.gsi.gov.uk

Alternatively you can send a hard copy response to:

Data Sharing Review Secretariat
5.26 Steel House
11 Tothill Street
London
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Thank you.

Section 1: Background

Question 1.

Comments: My interest is in protecting what is left of my personal privacy/liberty. I have no involvement in P.I. sharing.

Section 2: Scope of personal information sharing, including benefits, barriers and risks of data sharing and data protection

Question 2.

Comments: a) to combat fraud, eg. ID theft and its consequences. b)As for a) and also to fight crime on a broader front.

Question 3.

Comments: a) ID theft, restriction of personal freedoms, eg. envisaged in the ID card White Paper, which as it stands could severely limit or even eliminate an individual's fundamental liberties on some fronts, eg. opening of a bank account, travelling, if the authorities the Home Affairs minister chose to revoke an ID card. b) the same comments apply.

Question 4.

Comments: Risks: ID cards as proposed would contain too much personal information,

much of which is simply not necessary in order to establish identity beyond reasonable doubt. We already have widespread and extensive means of identifying people in this country. Opportunities: where existing or new methods are involved, if they are failsafe AND if individuals have genuine and speedy, effective means by which to defend their interests when they need do so, then there are in my view opportunities to make our lives safer and freer. Given the nature and immorality of government and the bureaucracy which afflicts our lives nowadays, and indeed the commercial pressures which are driving the quest for more centrally held personal data, this is an unlikely opportunity in my estimation.

Question 5.

Comments: I consider that the authorities hold enough personal information about us now, and that the real issue is one of controlling the appetite of government and companies which would profit from more information gathering. My reasoning derives from the fact that businesses, local authorities, police, health trusts, the passport office and suchlike, already hold so much personal data about us.

Question 6.

Comments: My comments in regard to question 5 are relevant here as well. Furthermore, I believe that more than adequate personal information is already disseminated; just purchase something in a shop, by telephone, or on-line, and you will readily wake up to the fact that the seller almost always has on-line access to a plethora of detail about you, and never less than your full name, address, and telephone numbers. Given the amount of P.I. already widely held, our lives are restricted enough. Where there might be too little information in place, life can also be complicated, as in instances when one seeks credit of one kind or another: if there is little or no data in the public about someone (as afflicted me on returning from eleven years working overseas) one can find oneself unable to obtain a mobile telephone, credit card, and so forth, simply because one has no record of the kind that organisations choose to depend upon, even though one provides other sources of establishing one's bone fides. The personal data mania today has reached the point where most companies will only seek a person's credit rating from two or three credit rating agencies, which themselves often rate people on very flimsy data. When an individual finds himself or herself in a situation where credit rating is used to justify refusal of credit, but can provide alternative sources of credit track record assessment, more often than not the alternative sources are not used because resorting to such avenues does not suit the intended provider of credit.

Question 7.

Comments: In regard to provision of credit - I have commented above. companies frequently evade seeking credit track record evidence from bodies other than credit rating agencies simply because they do not wish to engage in the time, effort, and cost of so doing.

Question 8.

Comments: A recent instance comes to mind - it transpires that a supermarket, upset by the prolonged presence of a car in its parking area (we are talking hours here, not days) was able to obtain details of the car's owner's name, address, and telephone number from the DVLA. I believe that this ought not to be possible,

as in my estimation a commercial operation should not have access to personal data of this nature via a vehicle registration. If a genuine need for action is this type of scenario is present, then there are authorities in place which can and should handle such matters without handing over data to a company which might not protect such data assiduously.

Section 3: The legal framework

Question 9.

Comments: My experience of DPA is not good. It is widely used as a pretext for avoiding legitimate questions. Companies hide behind the Act when, for example, one seeks information relating to their adopting a given posture which impacts upon the individual. All too often the individual is bluntly told by a company whom he/she seeks to interrogate in regard to personal data obtained by the company, that the information cannot be discussed because the DPA prohibits such discussion. The theoretic strength of the Act is to prevent personal data being mis-used but because the lone individual has virtually no means of forcing organisations to genuinely adhere to the spirit and letter of the law, it is usually the individual who suffers the consequences. I would like to see organisations being legally bound to engage in reasonable dialogue with anyone who seeks it in direct regard to his/her personal data.

Question 10.

Comments: Broadly speaking, quite well. That said, it is in the detail that problems arise - while the second principle is doubtless intended to be all-embracing, it is too vague to ensure that the Act is not mis-used through INACTION. eg. used as previously commented, to evade legitimate interrogation. I therefore consider the principle to be toothless insofar as it allows the Act to be used inappropriately.

Question 11.

Comments: Dishonesty on the part of people/entities who/which use it as a smokescreen in order to avoid meeting their obligations in the face of reasonable questioning.

Question 12.

Comments: It should, as suggested in my response to question 9, require that data and related courses of conduct/decisions by organisations be openly discussed with individuals whose interests are directly affected by behaviour/decisions based upon personal data.

Question 13.

Comments: I am not adequately qualified to comment here.

Question 14.

Comments: As proposed in the ID card White Paper, fingerprinting, retina scans and suchlike. However, I dislike such powers because I believe them to be unnecessary and thus excessive. There are already ample means of establishing the identity of an individual, and the less unnecessary information that is collated, the better, as far as individuals are concerned.

Question 15.

Comments: I am not qualified to comment here.

Section 4: Consent and transparency

Question 16.

Comments: Far from it - the DVLA/supermarket case attests to this. I am not clear as to the form that consent should take - most forms which I have signed in the past seemed to have provided virtual carte blanche for suppliers of goods and services to use my personal data, and there have been instances where, despite my specifically requesting for my information not to be used, it has been used.

Question 17.

Comments: I assume that sharing information would be a more cumbersome process than it is now, if a more rigorous prior consent process were implemented.

Question 18.

Comments: A resounding YES. I believe that individuals' access rights need to be much stronger than they are currently. I do not see why one should have to pay - usually £12 or more - simply to establish what information a credit rating agency has compiled about oneself. Such information is collated with no consultation with the person who is the subject of the information, is not infrequently inaccurate and thus used to incorrect effect, and often leads to the individual being arbitrarily "rated" unfairly. I am also of the opinion that it should be obligatory for any person/entity making a decision about someone, based upon personal data, to provide a detailed exposé of that data if asked to do so by the person to whom the data relates, without charge. Perhaps the rules should go a stage further, and also require that any decisions derived from the personal data be fully explained to the affected individual, if requested to do so by that individual.

Question 19.

Comments: I do not regard the framework code of practice as particularly helpful to the average person, insofar as inappropriate practices persist and in most instances the individual is not equipped to - or does not have the time to - mount a defence. The same comments apply to PIA - it fails to address the incorrect application of legislation, eg. to evade answering individuals' fair questions.

Section 5: Technology

Question 20.

Comments: I am not well qualified to comment. It is probably broadly positive but is accompanied by the increasingly sophisticated villains who abound nowadays and seem to be capable of penetrating the most advanced technological safeguards, wreaking havoc on those whom they target.

Question 21.

Comments: YES.

Question 22.

Comments: Little, I suspect. We already see daily compromising of supposedly well protected data. If protection methods evolve to an even more complex state than they are in today, then the very people whom they are intended to protect will eventually find it impossible to access their own data.

Section 6: International comparisons

Question 23.

Comments: I am not qualified to comment.

Question 24.

Comments: No.

Question 25.

Comments: No.

Question 26.

Comments: I have formed the view that in the U.S. the importance of civil liberties is much stronger - and the general public is much less complacent about the sharing of personal information - than in the U.K. I reached this conclusion during an eleven year assignment in the U.S., through contact with a great many Americans. I believe that these tendencies derive from an ingrained love of freedom in America, and the U.S. legal system which firmly regulates companies' use of personal information while at the same time providing accessible remedies to individuals when their data is misused.

Section 7: Additional questions

Question 27.

Comments: I have highlighted the issues which concern me, in previous responses.

Question 28.

Comments: Apart from suggestions put forward in earlier responses, in an ideal world I would like to see a requirement under the law that anyone using, assessing, or discussing personal data be obliged to demonstrate that he or she has a good command of written and spoken English.